



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6364-99

19 July 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 24 April 1987 at age 24. At that time you had completed about three years of active service on a prior enlistment. The record shows that on 15 June 1988 you were counseled concerning poor performance and attitude and subsequently received an adverse performance evaluation for the period ending 30 June 1988. On 27 September 1988 you were counseled concerning substandard performance and appearance, and about an indebtedness problem. You were warned that further deficiencies could result in disciplinary action or processing for discharge under other than honorable conditions. On 1 November 1988 you received nonjudicial punishment for a failure to go to your appointed place of duty. The punishment imposed included forfeitures of pay and a reduction in rate.

On 16 January 1989 you were counseled concerning poor performance and refusal to respond to counseling. That same day you received another adverse performance evaluation. On 13 March 1989 you received nonjudicial punishment for dishonorably failing to maintain sufficient funds in your checking account for payment of a check. The punishment imposed included a reduction in rate from ADAN (E-3) to ADAA (E-2).

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct. An administrative discharge board met on 30 March 1989 and found that you had committed misconduct and recommended that you be discharged under other than honorable conditions. On 7 May 1989 the discharge authority approved the recommendation for discharge. You were discharged under other than honorable conditions on 11 May 1989.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that the actions taken against you were racially motivated. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct and failure to respond to counseling. There is no evidence in the record, and you have submitted none, to support your contention that racial discrimination was a factor in your case. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you are eligible for veterans's benefits based on your prior honorable service. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director